

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MIA MICHELLE DAUGHERTY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-CV-00609-NCC
)	
MARK MCCLOSKEY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the motion of plaintiff Mia Michelle Daugherty to voluntarily dismiss her case. (Docket No. 6). For the reasons discussed below, the Court will dismiss this action without prejudice.

On May 9, 2023, plaintiff filed a civil action against Mark and Patricia McCloskey, alleging that they violated her civil rights. (Docket No. 1). Along with the complaint, plaintiff filed a motion for leave to proceed in forma pauperis. (Docket No. 2). Because plaintiff was proceeding in forma pauperis, the Court reviewed her complaint under 28 U.S.C. § 1915. Based on its review, the Court determined that plaintiff had not carried her burden of establishing subject matter jurisdiction. (Docket No. 5). As such, on May 16, 2023, plaintiff was ordered to show cause as to why this case should not be dismissed. She was given thirty days in which to comply.

On June 16, 2023, the Court received the instant motion. (Docket No. 6). In the motion, plaintiff states: “I hereby motion the court to dismiss this case without prejudice.”

Because plaintiff has indicated she no longer wishes to proceed with this action, the Court construes this motion as a notice of dismissal under Rule 41(a) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 41(a)(i) (stating that a plaintiff may dismiss an action by filing “a


notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”). Because the defendants in this case have not been served with summons and complaint, the Court will dismiss this case without prejudice pursuant to plaintiff’s notice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to voluntarily dismiss her case (Docket No. 6) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(a)(i). A separate order of dismissal will be entered herewith.

Dated this 20th day of June, 2023.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE